

VZCZCXRO9763
OO RUEHGI
DE RUEHC #2362/01 2750505
ZNR UUUUU ZZH
O 011805Z OCT 09
FM SECSTATE WASHDC
TO AMEMBASSY BANGUI IMMEDIATE 1452-1454

UNCLAS SECTION 01 OF 03 STATE 102362

SENSITIVE

C O R R E C T E D C O P Y (SENSITIVE CAPTION ADDED)

SIPDIS

E.O. 12958: N/A

TAGS: [KTIP](#) [PREL](#) [KCRM](#) [KWMN](#) [PHUM](#) [SMIG](#) [CT](#)

SUBJECT: CAR: TIP TIER 2 WATCH LIST ACTION PLAN (2009-2010)

REF: A. A. 2008 STATE 132759

[B. B. 2007 STATE 150188](#)

[C. C. 2009 STATE 005577](#)

[D. D. 2009 STATE 62182](#)

STATE 00102362 001.2 OF 003

[1](#)1. (U) This is an action request (see paras 2-4).
[1](#)2. (SBU) Begin action request: Drawing from points in para 8, Post is requested to approach appropriate host government officials to highlight the United States' strong commitment to continue to work with the Government of the Central African Republic (CAR) to help strengthen its efforts to combat and prevent trafficking in persons (TIP) and to assist victims. Post is requested to convey the recommendations in para 9 as a non-paper and draw from the talking points in para 8 to explain to the host government the need for prompt action on the first set of recommendations for a positive review in the interim assessment that the Department will release to Congress by February 2010 and for movement out of the Tier 2 Watch List in next year's Report. Additional recommendations are also included in para 9 to aid the host government in making progress in its overall anti-TIP efforts. The notes indicated in brackets in the action plan are for post's background only and may be omitted from the non-paper. The Implementation Guidelines⁸ referenced in the action plan notes are contained in reftel B. These guidelines provide guidance to posts on how the Minimum Standards of the Trafficking Victims Protection Act, as amended, (TVPA) are implemented, and have been cleared by regional bureaus.

[1](#)3. (SBU) Action request continued: Post is further requested to emphasize to the Government of the CAR that the first set of recommendations is designed to help remedy the specific shortcomings identified in the 2009 TIP Report that resulted in the placement of the CAR on the Tier 2 Watch List. These recommendations are often referred to as "high-priority" items for Tier 2 Watch List removal. However, sustained and significant anti-trafficking efforts by the government throughout the year will remain the basis for determining next year's tier placement. The interim assessment for Special Watch List countries (to include Tier 2 Watch List countries) will provide a progress report regarding the government's actions to address the short list recommendations designed to address the concerns that resulted in the country's placement on the Tier 2 Watch List in the 2009 TIP Report (high-priority items), but there will be no changes in tier ratings at that time. We will reconsider the government's tier placement when we conduct our annual full assessment for the March 2009-2010 reporting period next spring.

[1](#)4. (SBU) Action request continued: The Department recognizes that Post may choose to use this opportunity to provide additional recommendations, beyond the recommendations for moving out of the Tier 2 Watch List. In

such a case, we request that Post make clear to the government which are the "high-priority" items to move off of the Tier 2 Watch List. The non-paper in para 9 includes both "high-priority" recommendations for Tier 2 Watch List removal and further-reaching goals for longer-term success in combating trafficking in persons in all 3 P areas: Prosecution, Protection, and Prevention. (For posts, background information: G/TIP will be asking for posts to report on the country's progress in meeting these recommendations by no later than November 15, 2009, in order to compile narratives for the interim assessment.)

15. (SBU) In preparation for the interim assessment and 2010 TIP Report, the Department is asking posts to work with host governments throughout the year to collect as many statistics as possible on law enforcement actions and judicial proceedings related to TIP crimes, specifically the Department requests data on investigations, prosecutions, convictions, and sentences (e.g., fines, probation, length of prison sentences imposed, asset seizure information when available). Whether a government collects and provides this data consistent with the government's capacity to obtain such data is considered in determining whether the government qualifies for Tier 1. Law enforcement statistics, when available, are a good way of highlighting how well a government enforced its law and demonstrates strengths and weaknesses in various approaches. Please note that host governments and embassies must interpret data terms provided by host governments such as indictments, charges, cases disposed, cases submitted for prosecution, etc., to ensure

STATE 00102362 002.2 OF 003

that they fit into one of the following categories: investigations, prosecutions, convictions or sentences.

The Department cannot accept "trafficking-related" law enforcement statistics (e.g, statistics on prostitution or smuggling offenses) because their direct correlation to trafficking crimes is not clear. The Department will accept only law enforcement data that fall into the following categories: (1) investigations, prosecutions, convictions, and sentences for offenses that are explicitly defined as trafficking; and (2) investigations, prosecutions, convictions, and sentences for offenses that are not defined explicitly as trafficking but in which the competent law enforcement or judicial authority has specific evidence indicating that the defendant was involved in trafficking.

16. (SBU) The Department is also asking Posts to engage with host governments on efforts to address amendments made by the 2008 Trafficking Victims Protection Reauthorization Act (TVPRA). As indicated in reftel C, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 13. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

17. (SBU) Please keep in mind the TIP Report measures host government efforts. In order for anti-trafficking activities financed or conducted principally by parties outside the government to be considered for tier placement purposes, Post needs to demonstrate a concrete role or tangible value-added by a host government in such activities carried out by NGOs, international organizations, or posts.

18. (U) Background Points:

Begin talking points:

-- The Obama Administration views the fight against human trafficking, both at home and abroad, as a critical piece of our foreign policy agenda. We are committed to making progress on this issue in the months ahead by working closely with partners in every country.

-- The U.S. Government's Trafficking Victims Protection Act requires the State Department to submit an annual report to Congress on the status of foreign governments, efforts to combat trafficking in persons. Pursuant to the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA), the Department created a special category for Tier 2 countries that do not show increasing efforts from the previous year, have a very significant number of victims, or whose Tier 2 rating is based on commitments to take additional steps over the next year.

-- Also as mandated by the TVPRA, by February 2010 the Department will submit to Congress an interim assessment. At the end of 2009 in preparation for that submission, the Department will conduct an assessment of Tier 2 Watch List countries' progress in responding to the specific issues of concern that resulted in the Tier 2 Watch List rating.

-- The CAR was placed on Tier 2 Watch List in this year's Report because of a lack of evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year.

-- We offer the following recommended actions (Action Plan for the Short-term) to tackle specific shortcomings highlighted in the 2009 TIP Report. We believe these to be within the reasonable ability of your government to fulfill in the near-term and encourage you to take prompt action for a positive narrative in the interim assessment. New tier evaluations will not occur at the interim assessment. We will reconsider a government's tier placement when we conduct our annual full assessment for the 2009-2010 reporting period next spring. Prompt, appropriate, and significant actions will lead to a more favorable tier placement; conversely, failure to address the issues mentioned above may lead to a Tier 3 placement.

-- We would welcome the Government of Gabon's comments on these recommendations and any other ideas you might have to advance our common struggle against trafficking in persons.

STATE 00102362 003.2 OF 003

-- In addition to the short list of recommendations corresponding to our concerns that resulted in your government's placement on the Tier 2 Watch List in the 2009 TIP Report, we offer additional suggestions of actions that your government may choose to take (Action Plan for the Long term). These further measures would be in addition to Gabon's continuation of its current efforts to combat trafficking in persons.

End talking points.

19. (SBU) Begin Action Plan for the CAR:

Action Plan for the Short-Term: The following are recommended measures for a positive interim assessment in January 2010 and in the broader assessment of government efforts during the reporting period:

11. Finalize and enact the 2006 draft anti-trafficking law.

12. Collaborate with UNICEF, BONUCA, and UNHCR to ensure that the Protection Code of Conduct, which includes anti-trafficking provisions, is fully implemented by the police, gendarmerie and military.

¶3. Take concrete steps to encourage the establishment of NGOs that can sensitize the population about trafficking and help shelter and rehabilitate trafficking victims. Take steps to educate police, gendarmerie, military personnel, and government social workers to refer trafficking victims to these NGOs.

¶4. Consider the inclusion of trafficking in persons reduction in the National Poverty Reduction Strategy.

¶5. End the practice of jailing children who are victims of sex trafficking, and instead refer such children to local churches and community organizations. In the last year, the Government of the Central African Republic reported that in some cases, police jailed children found in prostitution for up to a month and then released them, rather than providing them with rehabilitation and reintegration assistance.

According to the U.S. Trafficking Victims Protection Act and the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, children in prostitution are considered to be victims of trafficking where a third party facilitates, or profits from, this exploitation even absent evidence of the use of force, fraud or coercion. A child is defined as any person below the age of eighteen.

II. Action Plan for the Long-Term: Other measures the government should consider to boost its overall anti-trafficking efforts:

Prosecution:

-- Develop a centralized crime database to record the number of trafficking cases investigated and the number of suspected traffickers arrested, prosecuted, and convicted in the CAR. For those convicted, the database should record the length of sentences imposed.

-- Increase efforts to interview rescued victims of trafficking in order to gather evidence to assist in prosecution of their traffickers.

Protection:

-- Develop a trafficking victim database that records the number of victims identified by police and referred to NGOs for care. The database should, to the best extent possible, record the type of trafficking the victim experienced, the age and gender of the victim, and the place of origin of the victim.

-- Establish a shelter facility to provide care to trafficking victims.

Prevention:

-- Increase efforts to raise public awareness about trafficking through radio broadcasts and visits by government officials to communities throughout the CAR to educate the population about these crimes.

End Action Plan.

¶10. (U) Department appreciates post's continued assistance and efforts in the fight to eliminate trafficking in persons.
CLINTON